

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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**TU VUES ADVERTISING AGENCY, INC.,**

Plaintiff,

**Case No.**

**NOTICE OF REMOVAL**

- against -

**THE BORO PARK VIEW LLC,**

Defendant.

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Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, The Boro Park View, LLC (“Removing Party”), by the undersigned attorneys, submits this Notice of Removal, and states as follows:

(1) On September 18, 2019, the above-captioned action was commenced against the Removing Party in the Supreme Court of the State of New York of Kings County, and is now pending.

(2) The Eastern District of New York, includes the county in which this action is pending.

(3) The grounds of removal of this action is federal question pursuant to 28 U.S.C. § 1331. Removal of this action is, therefore, proper under 28 U.S.C. § 1441 because this is a civil action brought in state court over which the federal district courts would have had original jurisdiction had the action been commenced in federal court.

(4) On September 20, 2019, the New York Secretary of State was served with a summons, complaint, and an order to show cause with temporary restraining order in this action. On September 30, 2019, the New York Secretary of State mailed the Removing Party the summons, complaint, and an order to show cause with temporary restraining order in this action. Copies of the summons, complaint, and order to show cause with temporary restraining order, as

well as all other state-court papers served on the Removing Party at the time of removal are attached as Exhibit A and constitute all process, pleadings, and orders served upon the Removing Party in this action.

(5) The Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because the summons, complaint, and order to show cause with temporary restraining order were served on September 20, 2019. This Notice of Removal is filed within 30 days of receipt of the initial pleadings, and is, therefore, timely filed under 28 U.S.C. § 1446(b)(1).

(6) Upon information and belief, no other parties have been joined and served as defendants in the above-captioned action.

(7) In particular, 28 U.S.C. § 1331 states, the “district courts shall have original jurisdiction of all civil actions arising under the Constitution, law, or treaties of the United States.” Plaintiff is asserting the right to recover for its injuries on the basis of unfair competition under Section 43(a) of the Lanham Act.

(8) Written notice of filing of this Notice of Removal will be given to plaintiff, and a copy will be filed in the appropriate State court, as required by 28 U.S.C. § 1446(d).

(9) In filing this Notice of Removal, the Removing Party does not waive any defense that may be available to it.

WHEREFORE, Defendant, The Boro Park View, LLC, respectfully requests that this Notice of Removal be granted in its entirety and for such other and further relief as this Court deems just.

Dated: October 2, 2019

Respectfully submitted,

/s/ Jennifer B. Zourigui

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